

# MOZLEY, FINLAYSON & LOGGINS LLP

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March 14, 2008

**VIA FACSIMILE (602) 253-8129**

**& FIRST CLASS MAIL**

Christopher I. Cedillo, Esq.  
Squire Sanders  
Two Renaissance Square  
40 North Central Avenue  
Suite 2700  
Phoenix, AZ 85004-4498

Re: *TS Merchandising Ltd., et al. v. Dan and Loretta Hollings, et al.*  
MF&L File No. 3110-002

Dear Chris:

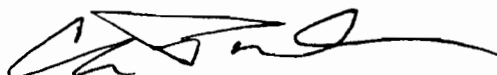
I have arrived safely back in Georgia and am in the process of reviewing your letter of March 13, 2008 requesting documents. I am in the process of discussing your request with my client and seeing what arrangements can be made for production of certain items. I will attempt to have a substantive response to you no later than Monday and, if possible, it will include some of the documents you have requested.

Please advise us at your earliest convenience as to when Rhonda Byrne is available to provide a deposition on topics related to jurisdictional issues present in this case. Additionally, please let us know as to the appropriate situs for her deposition. We understand that she lives in the Los Angeles area and can make arrangements for her deposition there.

Warm regards.

Very truly yours,

**MOZLEY, FINLAYSON & LOGGINS LLP**



Christopher E. Parker

CEP:tmb249987

cc: Mr. Dan Hollings  
Jessica B. Couch, Esq.

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March 18, 2008

**VIA FACSIMILE (602) 253-8129**  
**& FIRST CLASS MAIL**

Christopher I. Cedillo, Esq.  
Squire Sanders  
Two Renaissance Square  
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Re: *TS Merchandising Ltd., et al. v. Dan and Loretta Hollings, et al.*  
MF&L File No. 3110-002

Dear Mr. Cedillo:

In response to your letter of March 17, 2008, I reiterate my prior representation that we are attempting to compile documents requested during the course of Mr. Hollings' deposition on an expedited basis. As you may imagine, a number of the documents are not within my clients' possession, custody or control, however, they are attempting to gather the information as quickly as possible.

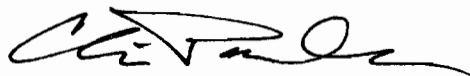
With respect to your additional requests contained in your March 17, 2008 letter relating to documents evidencing the sale of Mr. Hollings' music CD, "The Secret Symphony," please be aware that, as Mr. Hollings testified in his deposition, sales of that music were conducted exclusively through www.Amazon.com. I believe that Amazon.com is based in Seattle, Washington, and therefore his relationship with respect to the sale of this CD were directed towards that forum. I am in the process of verifying with my client whether any of the Amazon.com customers who purchased the CD were located in Illinois. I do not know if my client has that information. You may be best served to direct that inquiry to Amazon.com by way of a third-party subpoena. To the extent I learn that Mr. Hollings has such information within his possession, custody or control, I will let you know as soon as possible and we will make it available to you.

I reiterate my prior request that you advise us as to a date and location for the deposition of Rhonda Byrne. We would like to take this deposition as soon as possible as we believe it may shed light on our anticipated response in support of our motion to dismiss on jurisdictional grounds. Depending upon the location of the deposition, we can be available for Ms. Byrne's deposition on March 27, 28, April 1 or April 2, 2008. If we do not hear from you, we will simply notice the deposition for your office.

Christopher I. Cedillo, Esq.  
March 18, 2008  
Page 2

Very truly yours,

**MOZLEY, FINLAYSON & LOGGINS LLP**

A handwritten signature in black ink, appearing to read "C. E. Parker", with a stylized flourish at the end.

Christopher E. Parker

CEP:tmb250183

cc: Mr. Dan Hollings  
Jessica B. Couch, Esq.



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March 18, 2008

**VIA FAX**

Mr. Christopher E. Parker  
Mozley Finlayson & Loggins LLP  
One Premier Plaza, Suite 900  
5605 Glenridge Dr.  
Atlanta, GA 30342

**Re: TS Merchandising v. Hollings, et al., No. 07 C 6518**  
**Client/Matter No.: 085875.00010**

Dear Chris:

We have received your request that the plaintiffs produce Rhonda Byrne for deposition.

Your clients' motion to dismiss is based on the claim that none of them have sufficient contacts with Illinois to support jurisdiction there. Accordingly, the court permitted the plaintiffs to take discovery concerning such contacts. Ms. Byrne can offer no testimony that might diminish the sufficiency of those contacts as already acknowledged in Mr. and Mrs. Hollings' depositions of last week. One can only guess, therefore, that your request is merely an attempt to harass Ms. Byrne and nothing more. We will not produce Ms. Byrne under such circumstances.

Very truly yours,

Christopher I. Cedillo

cc: Brian Cabianca, Esq.

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March 19, 2008

**VIA FACSIMILE (602) 253-8129**

**& FIRST CLASS MAIL**

Christopher I. Cedillo, Esq.

Squire Sanders

Two Renaissance Square

40 North Central Avenue

Suite 2700

Phoenix, AZ 85004-4498

Re: *TS Merchandising Ltd., et al. v. Dan and Loretta Hollings, et al.*  
MF&L File No. 3110-002

Dear Chris:

To hopefully conclude our dialogue with respect to the deposition of Rhonda Byrne, please review the Scheduling Order presented to and entered by the Court in this litigation. It does not provide that Plaintiffs have the unilateral right to take discovery, but rather says that the parties may engage in non-merits discovery.

It is clear from the discovery efforts initiated by Plaintiffs in this litigation that a response to the Motion to Dismiss will attempt to emphasize and/or convey to the Court that a significant portion of Mr. Hollings' contacts relating to his work on The Secret were directed towards Mr. Rainone and/or the Illinois forum. We are certainly entitled to present the Court with contrary evidence of our choosing to undermine or rebut any such arguments. Specifically, in regards to an argument that the Court may have specific jurisdiction relating to the underlying transaction, we are allowed to place Mr. Hollings' contacts with Illinois in an appropriate context for the Court's evaluation. Indeed, to the extent you intend to argue that the sending of each invoice to Illinois as directed by The Secret constituted a sufficient level of contact with the Illinois forum in an effort to defeat our Motion to Dismiss, we are certainly entitled to present the Court with evidence demonstrating that such contacts were minimal and insignificant in light of the overall series of transactions. How we do so is not subject to Plaintiffs' unfettered discretion.

Absent hearing that you have reconsidered on this issue by the end of today and indicating a date Ms. Byrne will be available for her deposition, we will assume that Plaintiffs are refusing to produce Ms. Byrne and will proceed with the filing of a motion to compel her appearance at a deposition. In doing so, we will seek to recoup our costs and attorneys' fees incurred in such an endeavor.

Christopher I. Cedillo, Esq.  
March 19, 2008  
Page 2

Very truly yours,

**MOZLEY, FINLAYSON & LOGGINS LLP**

A handwritten signature in black ink, appearing to read 'C. Parker', with a stylized flourish at the end.

Christopher E. Parker

CEP:tmb250290

cc: Mr. Dan Hollings  
Jessica B. Couch, Esq.  
Robert B. Groholski, Esq.





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March 19, 2008

## VIA FAX

Mr. Christopher E. Parker  
Mozley Finlayson & Loggins LLP  
One Premier Plaza, Suite 900  
5605 Glenridge Dr.  
Atlanta, GA 30342Re: TS Merchandising v. Hollings, et al., No. 07 C 6518  
Client/Matter No.: 085875.00010

Dear Chris:

We have received your letter of today reiterating your request that the plaintiffs produce Rhonda Byrne for deposition.

Your request is inappropriate. Your clients moved to dismiss the pending complaint based on their alleged lack of contacts with Illinois. Their motion included supporting evidence. Now my clients have the burden to demonstrate that the defendants' contacts with Illinois are sufficient to confer jurisdiction. The response to the motion to dismiss has nothing to do with Ms. Byrne. It has everything to do with your clients and their Illinois contacts, which do not include Ms. Byrne. The response will not mention her, it will not rely on her testimony. Thus, you have no grounds to take Ms. Byrne's deposition.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher I. Ccedillo". The signature is fluid and cursive.

Christopher I. Ccedillo

cc: Brian C'abianca, Esq.